

# **Exhibit 3**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

FRANK CARBONE, *et al.*,

Plaintiffs,

v.

BROWN UNIVERSITY, *et al.*,

Defendants.

Case No. 1:22-cv-00125

Judge Matthew F. Kennelly

**DEFENDANTS' FIRST SET OF REQUESTS FOR  
PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFFS**

Pursuant to Federal Rules of Procedure 26 and 34, Defendants hereby request that Plaintiffs respond to the following Requests for Production of Documents ("Requests") within thirty (30) days from the date of service hereof. These Requests are to be answered in accordance with the following Definitions and Instructions.

**DEFINITIONS**

1. "Action" refers to the above-captioned multidistrict litigation and each action assigned to that proceeding for coordinated or consolidated pretrial proceedings.
2. "Any," "all," and "each" means "each and all."
3. "Communication" means the transmittal of information, including but not limited to any conversation, meeting, discussion, letter, memorandum, email message, website posting, note, or other transmittal of information, and includes any document which refers to, reflects, transcribes, memorializes, or records any such Communication.
4. "Complaint" means the Amended Class Action Complaint filed by Plaintiffs on February 15, 2022 in the above-captioned matter (Dkt. No. 106).
5. "Defendants" means any defendant named in the Complaint and all persons acting on any Defendant's behalf.

6. “Document” is coextensive with the meanings of the terms “document” and “electronically stored information” (“ESI”) in Rule 34 of the Federal Rules of Civil Procedure, and case law interpreting Rule 34.

7. “Identify” means to provide all names, addresses, phone numbers, email addresses, and other information that may be used to find information.

8. “Including” or “includes” means including without limitation.

9. “Institution” means “any college or university offering a full-time undergraduate program.”

10. “Litigation” refers to this Action.

11. “Plaintiffs,” “You,” and “Your” mean all named plaintiffs in the Complaint. With regard to plaintiff Frank Carbone, those terms should be understood to include Dominique Carbone.

12. The terms “Relate,” “Refer,” “Reflect,” “Concern,” and “Pertain” mean discussing, evidencing, mentioning, memorializing, describing, constituting, containing, analyzing, studying, reporting on, commenting on, recommending, concerning, reflecting, summarizing, referring to, pertaining to, supporting, refuting, and/or purporting to evidence, mention, memorialize, describe, constitute, contain, concern, reflect, summarize, refer to, support, refute, and/or in any way be relevant, in whole or in part.

13. The use of a singular form of any word includes the plural and vice versa.

### **INSTRUCTIONS**

1. If, in responding to these Requests, You claim that any Request, Definition or Instruction is ambiguous, do not use such claim as a basis for refusing to respond, but rather set forth as part of the response the language You claim is ambiguous and the interpretation of the language that You have used to respond to the Request.

2. If, in responding to these Requests, You object to any part of a Request, each part of said Request shall be treated separately. If an objection is made to one subpart, the remaining subpart(s) shall be responded to. If an objection is made on the basis that the Request or subpart thereof calls for information which is beyond the scope of discovery, the Request or subpart thereof shall be responded to, to the extent that it is not objectionable.

3. All documents and information produced in response to these Requests, and any assertions of privilege that are made, shall be consistent with the Parties' agreed discovery stipulations/orders..

### **REQUESTS FOR PRODUCTION**

**REQUEST NO. 1:** All Documents Concerning the advantages or disadvantages of applying for admission to any Institution, including Your reasons for applying or not applying to any Institution.

**REQUEST NO. 2:** All applications for admission by You to any Institution and Documents Concerning Your application(s) for admission to any Institution, including any decision made by the Institution Concerning Your application.

**REQUEST NO. 3:** All applications for financial aid for undergraduate education and supporting Documents or information used to complete any such application, including but not limited to tax returns; W-2, 1099s, K-1s, and other tax forms; records of untaxed income; and records of assets.

**REQUEST NO. 4:** All Communications between You and any Institution Concerning financial need or financial aid for undergraduate education, including but not limited to all offers of financial aid and appeals of financial aid decisions.

**REQUEST NO. 5:** Documents sufficient to show the amount and terms of any merit or need-based financial aid You received in connection with Your undergraduate education, including third-party scholarships.

**REQUEST NO. 6:** Documents sufficient to show the amount and terms of any merit or need-based financial aid You were denied or declined to accept in connection with Your undergraduate education, including third-party scholarships.

**REQUEST NO. 7:** All Documents comparing or contrasting two or more Institutions, including any ranking of any Institution.

**REQUEST NO. 8:** All Documents Concerning competitive conditions relating to undergraduate admissions or financial aid for undergraduate education, including supply, demand, output, availability, cost, price, barriers to entry, or the effect of macroeconomic or microeconomic factors.

**REQUEST NO. 9:** All Communications between You and any of Plaintiffs' Counsel Concerning the matters alleged in the Complaint, before the time You retained Plaintiffs' Counsel, including your response to and Communications Concerning any online advertisement Concerning actual or potential antitrust litigation against the Defendants.

**REQUEST NO. 10:** All Communications between You and any person other than Plaintiffs' Counsel Concerning the matters alleged in the Complaint.

**REQUEST NO. 11:** All Documents Concerning the circumstances under which You became involved in the Litigation.

**REQUEST NO. 12:** All Documents Concerning Your engagement or retention of counsel in the Litigation, including: (1) Your engagement letter(s) or agreement(s) with Plaintiffs' Counsel or any other counsel for the proposed class in the Litigation; (2) all Documents Concerning who will advance and who is responsible for payment of costs and expenses incurred in connection with the Litigation; and (3) all Documents Concerning who will share in recovery, if any, realized in the Litigation.

**REQUEST NO. 13:** All Documents Concerning the matters alleged in the Complaint.

**REQUEST NO. 14:** All Communications between any named Plaintiff and any other putative class member Concerning the Litigation.

**REQUEST NO. 15:** A copy of all versions of Your curriculum vitae or resume.

**REQUEST NO. 16:** All Documents Concerning any injury You believe the Defendants caused You or any damages You claim to have suffered as a result of the conduct alleged in the Complaint, including calculations of the total amount of damages allegedly suffered by You and the proposed class and how such damages were calculated.

**REQUEST NO. 17:** All Documents Concerning Your application to or correspondence about scholarships or other financial support for Your undergraduate education.

**REQUEST NO. 18:** All Documents Concerning any post-graduation forgiveness or modification of the terms of financial aid that You received, or expect to receive in the future, in connection with Your undergraduate education.

**REQUEST NO. 19:** All Documents Concerning your satisfaction or lack thereof with the Institution at which You received Your undergraduate education, including but not limited to Your experiences while attending that Institution or Your view of the value of that education.

**REQUEST NO. 20:** Documents sufficient to Identify all username(s) and email addresses You have used or use on Facebook, Twitter, Reddit, TikTok, Instagram, LinkedIn, or any other social media network.

**REQUEST NO. 21:** All social media network posts or other communications to or from You Concerning Your undergraduate Institution.

**REQUEST NO. 22:** All Documents You reviewed that led to Your “discover[y of] (a) the extent to which Defendants had failed to admit all successful applicants without regard to the financial circumstances of the student or the student’s family, in violation of the 568 Exemption, or (b) that Defendants’ use of the Consensus Methodology has disadvantaged and in fact caused financial injury to the Class Members.” (Complaint ¶ 196)

**REQUEST NO. 23:** All Documents Concerning Your allegation that the relevant market consists of “undergraduate education at private national universities with an average ranking of 25 or higher in the *U.S. News & World Report* rankings from 2003 through 2021” (Complaint ¶

241, including all surveys or other documents on which You contend determination of the relevant market is based.

**REQUEST NO. 24:** Documents sufficient to show all payments of tuition and fees, room, board, and books and supplies by You or on Your behalf to the Institution at which You received Your undergraduate education, including the identity of all payor(s), dates, and amounts of such payments.

**REQUEST NO. 25:** All Documents Concerning student loan agreements relating to Your undergraduate education.

**REQUEST NO. 26:** Documents sufficient to show the complete payment history and current balance of any student loans Concerning Your undergraduate education, including any loan forgiveness.

**REQUEST NO. 27:** Documents Concerning any public statements made by You or anyone acting on Your behalf (including Your counsel or any public relations firm engaged by Your counsel) concerning this Action or any of the allegations in the Complaint.

**REQUEST NO. 28:** All Communications between You or anyone acting on Your behalf (including Your counsel or any public relations firm engaged by Your counsel) and representatives of any news organization, publication, or student body associated with any Institution, concerning this Action or any of the allegations in the Complaint.

**REQUEST NO. 29:** All data and information submitted through the website 568cartel.com, including but not limited to information submitted through any fillable form on the website, and all communications to, from, or in response to e-mails sent to, the e-mail addresses [media@568cartel.com](mailto:media@568cartel.com) or [CollegeFinancialAid@bm.net](mailto:CollegeFinancialAid@bm.net).

[signature block on next page]

Dated: September 19, 2022

Respectfully submitted,

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*Counsel for Northwestern University,  
submitted on behalf of all Defendants*



### CERTIFICATE OF SERVICE

I, Scott D. Stein, an attorney, hereby certify that on September 19, 2022, I caused a true and correct copy of the foregoing DEFENDANTS' FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFFS to be served electronically by emailing it to the following counsel of record for Plaintiffs:

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*Counsel for Northwestern University,  
submitted on behalf of all Defendants*